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Attorneys for

DICK/MORGANTI, DICK CORPORATION,

and THE MORGANTI GROUP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA for the Use and
Benefit of WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS, and WEBCOR
CONSTRUCTION, INC. dba WEBCOR
BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture, DICK
CORPORATION, THE MORGANTI GROUP,
AMERICAN CASUALTY COMPANY OF
READING, PA, NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,
and DOES 1 through 10, inclusive,

Defendants.

Case No.: 3:07-CV-02564-CRB
(Consolidated with 3:07-CV-4180-EDL
and)

**STIPULATION OF DISMISSALS
AND PARTIAL DISMISSALS
PURSUANT TO SETTLEMENT
AGREEMENT;**

~~PROPOSED~~ ORDER

Before: Hon. Charles R. Breyer

AND RELATED COUNTER-CLAIMS AND
THIRD PARTY CLAIMS.

Pursuant to Rule 41, Federal Rules of Civil Procedure, the parties listed below, through
counsel, hereby stipulate, pursuant to their written settlement agreement, that the consolidated
actions and portions thereof described below be dismissed, with prejudice, parties, and each of
them, to bear their own fees and costs.

1 The following action in its entirety: UNITED STATES OF AMERICA for the use and
 2 benefit of PERFORMANCE CONTRACTING, INC. v. DICK/MORGANTI, et al. (Case
 3 No. 3:07-CV-4180-EDL).

4 The following action in its entirety: UNITED STATES OF AMERICA for the use and
 5 benefit of PERMASTEELISA NORTH AMERICA CORP., INC. v. DICK/MORGANTI, et al.
 6 (Case No. 3:08-CV-3664-JCS).

7 The following action in its entirety (except as specified below): UNITED STATES OF
 8 AMERICA for the use and benefit of WEBCOR CONSTRUCTION, INC. v. DICK/MORGANTI,
 9 et al. (Case No. 3:07-CV-02564-CRB) ("Webcor Action"). The exceptions to the dismissal of the
 10 Webcor Action are as follows: the Complaint of WEBCOR CONSTRUCTION, INC.; the
 11 Counterclaim of DICK/MORGANTI against WEBCOR CONSTRUCTION, INC. and ST. PAUL
 12 FIRE AND MARINE INSURANCE COMPANY; and the Third Party Complaint and
 13 Counterclaim by AMERICAN CASUALTY COMPANY OF READING, PA and NATIONAL
 14 UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA as against WEBCOR
 15 CONSTRUCITON, INC. only. As stated in the Joint Notice of Settlement filed herein on
 16 February 9, 2011 (Document 272), pursuant to a written settlement agreement, a stipulation of
 17 dismissal of the entire Webcor Action, with prejudice, is expected to be filed on or before June 15,
 18 2011.

19 Dated: February 17, 2011

SEDGWICK, DETERT, MORAN & ARNOLD LLP

20
 21 By: /s/ Gregg N. Dulik
 22 Gregg N. Dulik
 23 Attorneys for American Casualty Company of
 24 Reading, PA
 25
 26
 27
 28

1 Dated: February 16, 2011

HOWREY LLP

2
3 By: /s/ John W. Ralls
John W. Ralls
Attorneys for Dick/Morganti, Dick Corporation,
and The Morganti Group

4
5 Dated: February 17, 2011

OTIS CANLI & IRIKI LLP

6
7 By: /s/ Steven L. Iriki
J. Morrow Otis
Steven L. Iriki
Attorneys for Performance Contracting, Inc.

8
9 Dated: February 18, 2011

HEYMAN DENSMORE LLP

10
11 By: /s/ Roger P. Heyman
Roger P. Heyman
Attorneys for Permasteelisa
North America Corp.

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13
14 **PROPOSED ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16
17 Dated: February 23, 2011

